

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LARRY MCLEOD PULLEY,)
Petitioner,)
v.) 1:12CV364
LEE COUNTY SUPERIOR)
COURTHOUSE,)
Respondent.)

ORDER

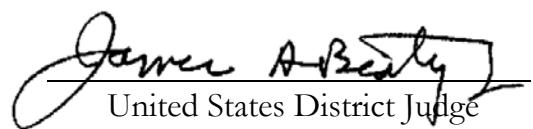
The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on April 16, 2012, was served on the parties in this action. Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Petition is dismissed for failure to apply to the United States Court of Appeals for the Fourth Circuit for an order authorizing the district court to consider the current Petition as is required by 28 U.S.C. § 2244.

IT IS FURTHER ORDERED that Plaintiff's Declaration and Request to Proceed In Forma Pauperis [Doc. #5] is DENIED AS MOOT.

A Judgment dismissing this action will be entered contemporaneously with this Order.



United States District Judge

Date: May 22, 2012